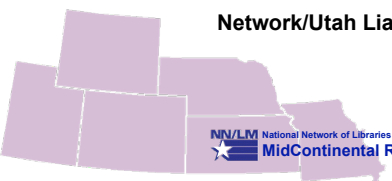# Librarians are from Venus, Vendors are from Mars

**John Bramble**
**Network/Utah Liaison**

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# Objectives

1. **Communicate!**
2. **Be assertive Be Reasonable**
3. **Contract fundamentals**

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# Communicate! Understand each other!
**(Additional Resources & Bibliography at end of presentation)**

- **Librarians and vendors are still figuring out the WWW**
- **Pressure on both parties**

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## Communicate! Understand each other!

- **What is the Vendors job?**
- **What is your job?**
- **If you are unclear DON'T assume**

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## Communicate! Understand each other!

- **Be clear about who you are: Full name, institution, account number**
- **Lingo: know it, use it!**
- **If you don't know the jargon…ask!**
- **Vendors are not trying to cheat you!**
- **Allow time for problems to be fixed… document EVERYTHING!**

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## Communicate! Be assertive! Be Reasonable!

- **Unacceptable Vendor Behavior**
  - No response
  - "We can't do that"
  - "I can't give you my name" or "no out going calls"
  - "Don't know what you are talking about"
  - Can't figure out the problem

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## Communicate! Be assertive! Be Reasonable!

- **Acceptable Librarian Behavior**
  - Be civil, be professional
  - Be a good customer (you are NOT always right!)
  - Do your homework
  - Balance: appropriately demanding and strategically pleasant

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## Communicate! Be assertive! Be Reasonable!

- **Joint areas of responsibilities**
  - Vendor provides you with contact information
    - Librarian keeps this information at the ready
  - Vendor responds quickly to problem
    - Librarian reports any problem ASAP
  - Vendor has personnel who can fix problems
    - Librarian needs to be able to articulate problem

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## Communicate! Working with sales reps

- **Keep your appointment**
- **Be on time**
- **Let them know how and where to find you**
- **Give them time**
- **Let your staff know**
- **If you cancel…give lots of time.**

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**Communicate!** Working with sales reps

- Use your sales rep help solve problems
- Be prepared to be specific

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**Communicate!** Working with sales reps

- New sales reps or sales of new products
    - No means "no". Worry about your own feelings
    - By appointment only
    - Ask for a new sales rep is okay
    - When they go around the gatekeeper

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**Timeline – Session 2**

:00 - :05 | Welcome Back & Questions
:05 - :35 | Contracts
:35 - :55 | Team Presentations
:55 - :00 | Questions

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## Objectives

1. **Approaching Contacts**
2. **Types of Licensing Terms**
3. **Contract Terms Important to Libraries**
4. **Contract Terms to be avoided**
5. **Resources**
6. **SERU & LOCKSS**
7. **Presentations**

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## Types of Licensing Terms (Rick Anderson)

- **Acceptable**
- **Undesirable but possible**
- **Impossible**

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## Contracts Ideal for libraries

- **A contact should….(user access)**
  - Accommodate your **users** needs
    - Clearly state access rights
    - Document Delivery
    - E-reserve systems
  - Flexible **authentication**
  - Grant **access** to resources subscribed
  - Specify **support** and **training**

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### Contracts Ideal for libraries

- **A contact should….**
  - Specify product **performance** & **service level**
  - Provide **statistics**
  - Ensure **privacy**

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### Contracts Ideal for libraries

- **A contact should….**
  - Include **warranty**
  - Specify when/how **updates** will be provided

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### Contract Terms to be avoided

- **A contact should NOT….**
  - Indemnification
  - User Behavior
  - Contract Termination
  - Jurisdiction
  - Warranty
  - Changes to License
  - Non-disclosure language

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## Resources

- **Yale University Library LIBLICENSE**
  - http://www.library.yale.edu/~llicense/

- **MLA**
  - http://www.mlanet.org/government/licensing/

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## SERU –

**Shared Electronic Resource Understanding**

- Enough experience with E-resource
- Traditional Contract - Defining the purchase transaction and also the usage rights of the subscribers
- Presumption that license agreements were a legal necessity of e-resource transactions

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## SERU –

**Shared Electronic Resource Understanding**

- Working Without a License Agreement –
  - Substitute Contracts for an Invoice
- Shared expectations & Mutual Trust
  - The subscription
  - The subscribing institution & authorized users
  - The nature of the content
  - Privacy and confidentiality
  - Online performance and service provision
  - Archiving and perpetual access

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## LOCKSS
### (Lots of Copies Keep Stuff Safe)

- Helps libraries stay relevant
- Replicates the traditional model of libraries keeping physical copies
- Hundreds of publishers and libraries around the world have joined
- Content preserved by libraries through LOCKSS becomes a part of their collection

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## LOCKSS www.lockss.org
### (Lots of Copies Keep Stuff Safe)

- Content preserved by libraries through LOCKSS becomes a part of their collection
- Perpetual access to 100% of the titles preserved in their LOCKSS Box
- Only solution that enables libraries to "own" (vs. "lease")
- LOCKSS compliant

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## Resources

- **MLA**
  - http://www.mlanet.org/government/licensing/

- **NN/LM MCR**
  - http://nnlm.gov/mcr/rsdd/consortia/license.html

- **Yale University Library LIBLICENSE**
  - http://www.library.yale.edu/~llicense/

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## Bibliography

- Anderson, Rick. *Buying and Contracting for Resources and Services*. New York, London: Neal-Schuman, 2004
- "Licensing Digital Content: Part 1" *Information Outlook* Jul. 2008: 50-51
- "Licensing Digital Content: Part 2" *Information Outlook* Aug. 2008: 42

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